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Technology Center 3600**Fax Cover Sheet****Our Ref:** 23616.001**To:** Commissioner for Patents**Fax No:** 571-273-8300**Tel No:** 571-272-1651**From:** R. Lewis Gable**Date:** March 27, 2007**No. of Pages (Incl. Cover):** 5**Re:** U.S. Patent Application Serial No. 09/488,107
For: METHOD AND APPARATUS FOR OFFERING FOR SALE
COLLECTIBLES ON PRIMARY AND SECONDARY MARKETSWe are forwarding herewith: RESPONSE TO NOTIFICATION OF NON-
COMPLIANT APPEAL BRIEF (37 CFR 41.37).

Respectfully submitted,

R. Lewis Gable, Reg. No. 22,479

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on:
March 27, 2007

R. Lewis Gable

Date: March 27, 2007

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**In the United States Patent & Trademark Office
Before the Board of Patent Appeals and
Interferences**

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Appellant: Warren E. Friss, et al.

Serial No: 09/488,107

Filed: January 20, 2000

For: METHOD AND APPARATUS FOR OFFERING FOR SALE
COLLECTIBLES ON PRIMARY AND SECONDARY MARKETS

Examiner: Jagdish Patel

Art Unit: 3624

March 27, 2007

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Response is made to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) that was mailed March 01, 2007.

As required by 37 CFR 41.37(c)(1)(IX) and (X), please add after line 7 and before line 8 of page 94 of the Brief filed December 21, 2006 the following:

“EVIDENCE APPENDIX – NONE

RELATED PROCEEDING APPENDIX – NONE”

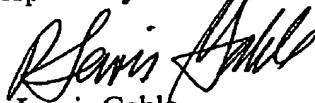
A copy of the Notification of Non-Compliant Appeal Brief is enclosed herewith.

23616/001/774438.3

Applicants have made a good faith effort to respond to each of the informalities listed by the Examiner in his Notification and, in particular, to items 8, 9 and 10.

If the Examiner or the Specialist find other matters that need to be added, deleted and/or changed, he/she is requested to call the undersigned to correct any further informalities.

Respectfully submitted,



R. Lewis Gable
Registration No. 22,479

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MAR 27 2007

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/488,107

Applicant(s)

FRISS ET AL.

Examiner

Jagdish Patel

Art Unit

3693

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 21 December 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The headings Evidence Appendix and Related Proceedings Appendix are missing, if there are none an indication of "None" or "Not Applicable" is required.


BRIDGET C. MONROE
PATENT APPEAL CENTER SPECIALIST

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,107	01/20/2000	Warren E. Friss	23616.01	3969
7590 03/01/2007				
EXAMINER				
ART UNIT			PAPER NUMBER	

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DATE MAILED: 03/01/2007

Please find below and/or attached an Office communication concerning this application or proceeding.